

Page 6, line 28, delete "extrudated" and insert --exuded--.

Page 12, line 21, delete "extrudated" and insert --exudated--.

IN THE CLAIMS:

Please cancel claim 7 and amend claims 1 and 17 as follows.

Claim 1, line 9, replace "extrudate" with --exude--.

Claim 1, line 17, replace "; and" with --, while--.

Claim 17, line 4, delete "thin".

Claim 17, line 5, delete "light".

REMARKS

Claims 1, 3, 4, 7, 9-12, and 14-20 stand rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness. The Examiner has questioned the meaning of the term "extrudate" appearing in line 9 of claim 1. This term appears (in various forms) at several places in the specification. This actually is a typographical error. The proper term is "exude." In context, (for example at page 4, line 25), this term refers to the production of solubilized proteins on the surface of the meat. The specification and claim 1 are amended to recite the terms "exude" and "exuded" instead of "extrudate" and "extrudated." No new matter has been added. The indefiniteness rejection was based on the asserted unclear meaning of "extrudate." Now that claim 1 recites "exude", the rejection is believed to be overcome.

As noted by the Examiner, the subject matter of claim 7 repeats portions of claim 1. Hence, claim 7 has been canceled.

In claim 17, the terms "light" and "thin", objected to by the Examiner, have been deleted. Accordingly, withdrawal of the indefiniteness rejection is respectfully requested.

Claims 1, 3, 4, 7, 12, 14, 15, and 18-20 stand rejected under 35 U.S.C. § 102(b) for anticipation by a recipe in The Joy of Cooking by Rombauer et al. at pages 1812-1813. Claims 1, 3, 4, 7, 9-12, and 14-20 stand rejected under 35 U.S.C. § 103(a) for obviousness over United States Patent No. 3,740,235 to Weiner et al. in view of an Abstract of German Patent No. 1,692,110 to Bauer et al. The prior art rejections are respectfully traversed in view of the accompanying Declaration which explains the teachings of the prior art and for the following reasons.

The accompanying Declaration of the inventor, details (1) the critical aspects of the present invention, (2) the teachings of the Bauer et al. abstract, and (3) the teachings of the *The Joy of Cooking* recipe in comparison to the present invention. The details of the Declaration not repeated herein but are summarized as follows in reference to the prior art rejections.

The present invention. The claimed invention is a method of producing a coherent piece of raw meat from smaller pieces of raw meat. The critical steps therein include:

- causing proteins on the surface of the smaller pieces of meat to solubilize and exude;
- holding the smaller pieces of meat against each other to form one piece of meat; and

- denaturing and coagulating the solubilized/exuded proteins by lowering the pH so that the smaller pieces of meat join together as the solubilized proteins coagulate.

- holding the smaller pieces of meat against each other to form the coherent piece of meat.

In the first step, the proteins are produced (solubilized and exuded) on the surface of the meat pieces by massaging and/or tumbling the pieces with edible salt. This causes the proteins to become activated.

Acid is added to the meat pieces to denature and coagulate the proteins at a decreased pH but release is delayed. Acid coagulation will only occur after the meat pieces with proteins thereon are urged together. Earlier acidification (prior to massaging and/or tumbling or prior to urging the meat pieces together) would be unsuitable because the acid would flocculate the proteins on the surface of the meat pieces rendering them unavailable for mutual coagulation and joining together. Claim 1 is amended to clarify that the step of holding the pieces together is not performed after decreasing the pH.

Novelty. The recipe from *The Joy of Cooking* does not anticipate the present invention because it is a method for manufacturing dry sausages. In the production of dry sausages, one would seek to avoid exudation of proteins. This is because sausages with exudated proteins would rot when placed in a casing. The addition of a little water or wine to a dry sausage composition does not result in denaturation or coagulation of proteins as is required in the present invention. See, paragraphs 8-12 of the accompanying Declaration. Hence, the

recipe from *The Joy of Cooking* does not anticipate the present invention but, in actuality, teaches away from the same.

Nonobviousness. In rejection of the claims over the Weiner et al. patent in view of the Bauer et al. abstract, the Examiner continues to assert that the Bauer et al. abstract would suggest adding acids, as equivalents of phosphates, to aid in the extraction of protein for binding purposes. A detailed comparison of the teachings of the Bauer et al. abstract to the use of acid in the present invention is set forth in paragraphs 3-7 of the expert Declaration. Paragraph 7 of the Declaration reports a direct comparison of using an acid according to the Bauer et al. abstract (sorbic acid as a "kutter" additive) as compared to the use of a true acidifying agent which decreases the pH of a layer of the meat in such a way to join pieces of meat together. The sorbic acid, which is exemplary of an additive of the Bauer et al. abstract, cannot sufficiently decrease the pH to cause coagulation of proteins and thereby joining of the meat pieces. According to the present invention, acidifying agents must be used to sufficiently lower the pH of the composition in order to denature and coagulate the solubilized proteins on the surfaces of the meat and exudated proteins and must be delayed in time until after joining the meat pieces together. Hence, the Bauer et al. abstract does not teach or suggest "mixing an acidifying agent with the pieces of meat" to denature and coagulate the solubilized proteins. The combined teachings of the Weiner et al. patent and the Bauer et al. abstract cannot suggest the method of claims 1, 3, 4, 7, 9-12, and 14-20.

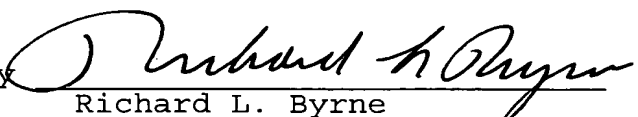
Finally, in paragraph 16 of the Office Action, the Examiner has requested that a complete Bauer et al. disclosure be provided. It is already been stated on the record in the Amendment After Final dated December 17, 1998 that only the cover page and the claims of German Patent No. 1,691,110 are available. The only available portions of German Patent No. 1,691,110 were submitted with the Amendment filed July 8, 1998. The box on the lower part of the front page of the German patent states in German that "only these two pages are available from the German Patent Office because the full document is no longer suitable for reproduction by photocopying according to a decision of the President of the German Patent Office dated April 28, 1970." Hence, the record is as complete as is possible with regard to the Bauer et al. disclosure.

In view of the foregoing amendments and remarks, and the accompanying expert Declaration, it is believed that claims 1, 3, 4, 9-12, and 14-20 define over the prior art of record and are in condition for allowance. Reconsideration of the rejections and allowance of the pending claims are respectfully requested.

Respectfully requested,

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